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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 GENE ALLEN,

12 Petitioner,

13 vs.

14 LEGRAND, *et al.*,

15 Respondents.
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) 3:12-cv-00056-HDM-VPC
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ORDER

17 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254,
18 by a Nevada state prisoner. Neither a filing fee nor an application to proceed *in forma pauperis* was
19 submitted with the petition. Petitioner must either submit the \$5.00 filing fee for habeas petitions or
20 an application to proceed *in forma pauperis*.

21 **IT THEREFORE IS ORDERED** that this action is **DISMISSED WITHOUT**
22 **PREJUDICE** to the filing of a new petition in a new action.

23 **IT FURTHER IS ORDERED** that the Clerk of the Court shall send petitioner two copies of
24 an *in forma pauperis* application form for a prisoner, one copy of the instructions for the same, two
25 copies of a blank 28 U.S.C. § 2254 habeas petition form, and one copy of instructions for the same.
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1 **IT IS FURTHER ORDERED** that petitioner may file a new petition in a new action, but he
2 may not file further documents in this action.

3 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.

4 Dated this 8th day of February, 2012.

5 *Howard D McKibben*

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UNITED STATES DISTRICT JUDGE